



October 2, 2007

Ms. Marlene Dortch

Secretary

Federal Communications Commission

445 12<sup>th</sup> Street, SW

Washington, DC 20554

Re: *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina On Communications Networks , EB Docket No. 06-119; WC Docket No. 06-63*

Dear Ms. Dortch,

We are writing to re-affirm the views expressed in our Petition for Reconsideration and Reply Comments in the above-referenced proceeding,<sup>1</sup> in which PCIA urged the Commission to eliminate its emergency back-up power rule pending development of a full record. While PCIA continues to believe the Commission should eliminate the rule, we hereby respond to the AT&T Ex Parte Filing of September 27, 2007 (hereinafter referred to as the "AT&T Ex Parte Filing"). The AT&T Ex Parte Filing attempts to address wireless industry concerns regarding back-up power requirements at wireless telecommunications facilities should the Commission decide to maintain such rules. The framework created in the AT&T Ex Parte Filing balances the Commission's concern for wireless network dependability during power failures with the realities of our nation's vast and diverse wireless infrastructure more appropriately than the current rule.

Our nation's wireless infrastructure is composed of a wide variety of site types operating in diverse environments, and in accordance with a complex array of contractual and regulatory obligations. Consistent with these realities, the proposed exception in Section 12.2(b)(i), as set forth in the AT&T Ex Parte Filing, exempts from back-up power requirements any site where

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<sup>1</sup> See PCIA – The Wireless Infrastructure Association, Petition for Reconsideration, EB Docket No. 06-119, WC Docket No. 06-63 (filed Aug. 10, 2007); PCIA – The Wireless Infrastructure Association, Reply Comments, EB Docket No. 06-119, WC Docket No. 06-63 (filed Sept. 14, 2007). PCIA is the national trade association representing the wireless infrastructure industry. PCIA's members develop, own, manage, and operate towers, rooftop wireless sites, and other facilities for the provision of all types of wireless, broadcasting and telecommunications services. With a mandate to facilitate the deployment of wireless infrastructure, PCIA and its members are committed to the reliability of wireless telecommunications facilities during power failures.



such modifications are “infeasible due to limitations arising from any federal, state or local law or restriction; any private legal obligation or requirement; any public safety concern; or incompatibility with structural engineering load or space.” This exception reflects the regulatory, contractual and engineering limits involved in many cases that make a one-size-fits-all approach to back-up power infeasible. Additionally, the 36-month period for filing with the Commission “an emergency back-up power plan that describes how...the...provider intends to provide power” realistically reflects the fact that wireless infrastructure providers own and manage thousands of wireless telecommunications facilities, each with its own specific contractual obligations, engineering design and regulatory approvals.

We support the efforts of the Commission to ensure the operation of wireless networks during power failures. We respectfully request that the Commission eliminate its rule pending further establishment of a complete record in this matter. Should the Commission nevertheless decide to maintain a rule, we urge the adoption of the language set forth in the AT&T Ex Parte Filing.

In accordance with the Commission’s rules, this letter is being filed electronically with your office for inclusion in the public record.

Best Regards,

Jacqueline McCarthy, Esq.

Director of Government Affairs

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